

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

ANTONIO SIERRA,)
Petitioner,) Civil Action No. 17-01 Erie
)
v.) Magistrate Judge Susan Paradise Baxter
WARDEN NANCY GIROUX, et al.,)
Respondents.)

OPINION AND ORDER

The Petitioner, Antonio Sierra, is incarcerated at the State Correctional Institution Albion ("SCI Albion"). He is serving a sentence imposed on October 28, 1998, by the Court of Common Pleas of Lebanon County,¹ following a jury's verdict (reached on September 11, 1998) that he was guilty of numerous crimes, including three counts of criminal attempt to commit homicide and eight counts of robbery. See ECF No. 8; criminal docket sheet for Commonwealth v. Sierra, No. CP-38-CR-1239-1997; Sierra v. DiGuglielmo, No. 3:06-cv-0604, 2006 WL 2038391 (M.D. Pa. July 18, 2006). He has filed with this Court an amended petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 in which he challenges the validity of convictions and sentence. (ECF No. 8). SCI Albion is located within the territorial boundaries of this District. Lebanon County is located within the territorial boundaries of the United States District Court for the Middle District of Pennsylvania. 28 U.S.C. § 118.

When a state prisoner files a petition for a writ of habeas corpus in a state like Pennsylvania, that contains two or more Federal judicial districts,

the application may be filed in the district court for the district wherein such person is in custody or in the district court for the district within which the State court was held which convicted and sentenced him and each of such district courts shall have concurrent

¹ This Court takes judicial notice of the docket sheet for the Petitioner's criminal case, as well as information available via the records department at SCI Albion, which is also available to the public. Those documents and records establish that the Petitioner is serving a judgment of sentence imposed by the Court of Common Pleas of Lebanon County. He is not serving a judgment of sentence imposed by the Court of Common Pleas of Erie County, and there is no detainer lodged against him for the future service of an Erie County sentence.

jurisdiction to entertain the application. The district court for the district wherein such an application is filed in the exercise of its discretion and in furtherance of justice may transfer the application to the other district court for hearing and determination.

28 U.S.C. § 2241(d) (emphasis added).

The Petitioner was tried, convicted, and sentenced in the Court of Common Pleas of Lebanon County and, therefore, most, if not all, of the relevant activity occurred within the Middle District of Pennsylvania. This Court finds that the furtherance of justice, as well as the convenience of the parties, would be better served by transferring this case to the Middle District Court. This decision is in accordance with the agreed practice of the United States District Courts for the Eastern, Middle, and Western Districts of Pennsylvania, which is to transfer habeas petitions filed by state prisoners in their respective districts to the district in which the county where the judgment of sentence was had is located.

An appropriate Order follows.

Dated: August 3, 2017

/s/ Susan Paradise Baxter
SUSAN PARADISE BAXTER
United States Magistrate Judge

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ORDER

AND NOW, this 3rd day of August, 2017;

IT IS HEREBY ORDERED that the Clerk shall TRANSFER THIS CASE to the United States District Court for the Middle District of Pennsylvania. It is FURTHER ORDERED that the Clerk shall terminate Jack Daneri, Esq., who is the District Attorney of Erie County, as a respondent in this action because the judgment of sentence at issue was imposed by the Court of Common Pleas of Lebanon County. Therefore, District Attorney Daneri is not a proper respondent.

/s/ Susan Paradise Baxter
SUSAN PARADISE BAXTER
United States Magistrate Judge